

AMENDMENTS TO LB 529

Introduced by Flood, 19

1 1. Strike the original sections and all amendments
2 thereto and insert the following sections:

3 Section 1. (1) An elected clerk of the district court,
4 anyone holding a consolidated office that includes clerk of the
5 district court, and a county clerk who acts as ex officio clerk of
6 the district court shall meet the requirements of this section.

7 (2) Beginning January 1, 2008, a candidate for election
8 as clerk of the district court shall submit with the candidate
9 filing form required by section 32-607 a standardized letter issued
10 by the State Court Administrator certifying that the candidate
11 has successfully completed a certification course meeting the
12 requirements established under this section within two years before
13 the candidate filing form is due or has received such certification
14 prior to such period and has complied with the continuing education
15 requirements of this section.

16 (3) Each clerk of the district court holding office on
17 the effective date of this act shall attend a certification course
18 meeting the requirements established under this section and receive
19 a certificate attesting to satisfactory completion of the course
20 within two years after the effective date of this act.

21 (4) Each clerk of the district court shall attend twenty
22 hours of continuing education courses meeting the requirements
23 established under this section every two years following the second

1 year of his or her term of office.

2 (5) Unless a clerk of the district court is able to show
3 good cause for not complying with subsection (3) or (4) of this
4 section, any clerk of the district court who violates subsection
5 (3) or (4) of this section shall be subject to a fine equal to such
6 clerk's monthly salary. Each month in which such violation occurs
7 shall constitute a separate offense.

8 (6) The Supreme Court shall by rule establish standards
9 of conduct for the clerk of the district court and establish
10 certification course and continuing education course requirements
11 and shall certify courses that meet such requirements. Such
12 continuing education shall be offered through seminars, advanced
13 education which may include college or university classes, or
14 conferences and shall be of a type which has application to
15 and seeks to maintain and improve the skills of the clerks
16 of the district court in carrying out the responsibilities of
17 their office. The State Court Administrator shall keep records
18 of certification and continuing education and shall notify the
19 appropriate county attorney if the clerk of the district court is
20 in violation of this section.

21 (7) The Supreme Court may, after notice and hearing,
22 revoke the certification of a clerk of the district court for a
23 violation of this section or the rules promulgated pursuant to this
24 section.

25 Sec. 2. Section 32-524, Reissue Revised Statutes of
26 Nebraska, is amended to read:

27 32-524 (1) Except as provided in section 22-417:

1 (a) In counties having a population of seven thousand
2 inhabitants or more, there shall be elected one clerk of the
3 district court at the statewide general election in 1962 and every
4 four years thereafter; and

5 (b) In counties having a population of less than seven
6 thousand inhabitants, there shall be elected a clerk of the
7 district court at the first statewide general election following a
8 determination by the county board and the district judge for the
9 county that such officer should be elected and each four years
10 thereafter. When such a determination is not made in such a county,
11 the county clerk shall be ex officio clerk of the district court
12 and perform the duties by law devolving upon that officer.

13 (2) In any county upon presentation of a petition to the
14 county board (a) not less than sixty days before the statewide
15 general election in 1976 or every four years thereafter, (b) signed
16 by registered voters of the county equal in numbers to at least
17 fifteen percent of the total vote cast for Governor at the most
18 recent gubernatorial election in the county, secured in not less
19 than two-fifths of the townships or precincts of the county, and
20 (c) asking that the question of not electing a clerk of the
21 district court in the county be submitted to the registered voters
22 therein, the county board, at the next statewide general election,
23 shall order the submission of the question to the registered voters
24 of the county. The form of submission upon the ballot shall be as
25 follows:

26 For election of a clerk of the district court;

27 Against election of a clerk of the district court.

1 (3) If a majority of the votes cast on the question are
2 against the election of a clerk of the district court in such
3 county, the duties of the clerk of the district court shall be
4 performed by the county clerk and the office of clerk of the
5 district court shall either cease with the expiration of the term
6 of the incumbent or continue to be abolished if no such office
7 exists at such time.

8 (4) If a majority of the votes cast on the question
9 are in favor of the election of a clerk of the district court,
10 the office shall continue or a clerk of the district court shall
11 be elected at the next statewide general election as provided in
12 subsection (1) of this section.

13 (5) The term of the clerk of the district court shall be
14 four years or until his or her successor is elected and qualified.
15 The clerk of the district court shall meet the qualifications found
16 in section 1 of this act. The clerk of the district court shall be
17 elected on the partisan ballot.

18 Sec. 3. Original section 32-524, Reissue Revised Statutes
19 of Nebraska, is repealed.